

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Plaintiff,

v.

MILES Q. FITERMAN REVOCABLE TRUST;  
MILES Q. FITERMAN NON-EXEMPT  
MARITAL TRUST; TOWERS  
MANAGEMENT COMPANY LLC;  
FITERMAN GST EXEMPT MARITAL  
TRUST; MILES FITERMAN FAMILY  
TRUST; SHIRLEY FITERMAN, individually,  
and in her capacity as Trustee for the MILES Q.  
FITERMAN REVOCABLE TRUST and the  
MILES Q. FITERMAN NON-EXEMPT  
MARITAL TRUST; STEVEN FITERMAN,  
individually, and in his capacity as Trustee for  
the MILES Q. FITERMAN REVOCABLE  
TRUST and the MILES Q. FITERMAN  
NONEXEMPT MARITAL TRUST; VALERIE  
HERSCHMAN, individually, and in her capacity  
as Trustee for the MILES Q. FITERMAN  
REVOCABLE TRUST and the MILES Q.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04337 (SMB)

FITERMAN NON-EXEMPT MARITAL  
TRUST; KAREN WASSERMAN; LYNN  
GUEZ; STEPHANIE ROSENTHAL; MILES Q.  
FITERMAN II; AND MATTHEW FITERMAN,

Defendants.

**ORDER PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY CODE AND  
RULES 2002 AND 9019 OF THE FEDERAL RULES OF BANKRUPTCY  
PROCEDURE APPROVING A SETTLEMENT AGREEMENT BY AND BETWEEN  
THE TRUSTEE AND THE DEFENDANTS**

Upon the motion (ECF Number 115, the “Motion”)<sup>1</sup> of Irving H. Picard, Esq. (the “Trustee”) as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the chapter 7 estate of Bernard L. Madoff, seeking entry of an order, pursuant to section 105(a) of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.*, and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure, approving the agreement, by and between the Trustee and the Defendants as more particularly set forth in the agreement annexed thereto (the “Agreement”); and it appearing that due and sufficient notice has been given to all parties in interest as required by Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure and the Order Establishing Notice Procedures (SIPA Proceeding, ECF No. 4560); and the Court having considered the Affidavit of Irving H. Picard in support of the Motion; and no objection having been filed; and the Trustee having filed a Certificate of No Objection pursuant to Local Bankruptcy Rule 9075-2 representing that no objection, responsive pleading, or request for a hearing with respect to the Motion has been made; and it further appearing that this Court has jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and after due deliberation; and sufficient cause appearing therefor; it is

**ORDERED, that the Motion is granted; and it is further**[SMB: 9/29/17]

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<sup>1</sup> All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

ORDERED, that the Agreement between the Trustee and the Defendants is hereby approved and authorized; and it is further

ORDERED, that the Trustee and the Defendants shall each comply with and carry out the terms of the Agreement; and it is further

ORDERED, that this Court shall have exclusive jurisdiction over any and all disputes between or among the Parties arising out of or relating to the Agreement, as set forth more fully in the Agreement; **and it is further**

**ORDERED, that the parties shall submit a draft order closing this adversary proceeding. [SMB: 9/29/17]**

Dated: New York, New York  
September 29, 2017

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE